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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/587,455 | 07/27/2006 | Shigeki Okura | 02-174-TN | 2282 |
| 23400 7590 10/28/2009 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191 | | | | |
| EXAMINER | | | | |
| GRAHAM, GARY K | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3727 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 10/28/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,455

Applicant(s)

OKURA, SHIGEKI

Examiner

Gary K. Graham

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 20060727
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Appel (US patent 3,192,551).

The patent to Appel discloses the invention as is claimed. Appel discloses a wiper blade comprising a backing (36, figs 4-6) and a blade rubber (37) that receives the backing. The rubber is for wiping the surface of a windshield (43). The backing is constructed to be directly connected to a wiper arm, at least as far as defined. Appel sets forth that the backing is designed to provide substantially uniform pressure along the length of contact between the flexible rubber wiping blade and the windshield (see col.1, lines 16-41). Thus Appel discloses unifying contact pressures of the blade against the wiping surface as claimed.

With respect to claim 7, setting forth that the backing is produced based on the method of claim 1 does not act to distinguish from Appel. Claim 7 is a product by process claim and is limited to the product. The method of claim 1 only appears to impart properties to the backing such that uniform contact pressure of the rubber on the windshield is achieved. The backing of Appel is imparted with such properties so the blade is deemed to meet the claim.

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Maiocco (US patent 4,336,625).

The patent to Maiocco discloses the invention as is claimed. Maiocco discloses a wiper blade comprising a backing (11, fig 1) and a blade rubber (4) that receives the backing. The rubber is for wiping the surface of a windshield. The backing is connected to a wiper arm by a lever assembly (1,2). Maiocco sets forth that the backing is designed to provide substantially uniform pressure distribution along the length of contact between the flexible rubber wiping blade and the windshield (see col.1, lines 50-54, col.3, lines 60-65). Thus Maiocco discloses unifying contact pressures of the blade against the wiping surface as claimed.

With respect to claim 7, setting forth that the backing is produced based on the method of claim 1 does not act to distinguish from Maiocco. Claim 7 is a product by process claim and is limited to the product. The method of claim 1 only appears to impart properties to the backing such that uniform contact pressure of the rubber on the windshield is achieved. The backing of Maiocco is imparted with such properties so the blade is deemed to meet the claim.

Allowable Subject Matter

Claims 1-6 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727